

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-28 were pending in this application when last examined.

Claims 1-4, 7-12, 5-18 and 21-26 have been examined on the merits and stand rejected.

Claims 5, 6, 13, 14, 19, 20, 27 and 28 were withdrawn as non-elected subject matter.

Claims 1 and 3 have been amended to incorporate the subject matter of claim 4.

Withdrawn claims 5 and 6 have been amended to depend on claim 1. Withdrawn claim 13 has been amended to depend on claims 1, 3 and 5-11. Kindly consider rejoinder of these amended withdrawn claims.

Claims 15 and 17 have been amended to incorporate the subject matter of claim 18.

Withdrawn claims 19 and 20 have been amended to depend on claim 15. Withdrawn claim 27 has been amended to depend on claims 15, 17 and 19-25. Kindly consider rejoinder of these withdrawn claims.

Claims 2, 4, 16 and 18 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Claims 1 and 15 have been amended into "comprising" format to better conform with U.S. practice. Support can be found in the claims as filed.

Claims 13-14 and 27-28 have been amended to correct a grammatical error.

No new matter has been added.

Claims 1, 3, 5-15, 17 and 19-28 are pending upon entry of this amendment.

II. ANTICIPATION REJECTIONS

On page 3 of the Office Action, claims 1-3, 7-11, 15-17 and 21-25 were rejected under 35 U.S.C. § 102(b) as anticipated by Shimazon (JP 53162990, English Abstract).

On page 3, claims 1, 12, 15 and 26 were newly rejected under 35 U.S.C. § 102(b) as anticipated by Abe (JP 357122791 A - English Abstract).

It is respectfully submitted that the present amendment overcomes these rejections.

In particular, kindly note that independent claims 1 and 15 have been amended to incorporate the subject matter of non-rejected claims 4 and 18, respectively. Accordingly, the amended independent claims require *Tricholoma matsutake* FERM BP-7304 strain. Since claims 4 and 18 were not included in the above-noted rejections, it is respectfully submitted that the present amendment overcomes the above-noted rejections.

Furthermore, Abe does not teach or suggest *Tricholoma matsutake* FERM BP-7304 strain of the present invention. Abe also does not teach or suggest the use of a therapeutic food containing *Tricholoma matsutake* FERM BP-7304 strain or an extract thereof with an antibiotic.

In view of the amendment, it is respectfully submitted that the above prior rejections are untenable and should be withdrawn.

This rejection is respectfully traversed as applied to the amended claims.

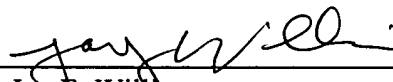
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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